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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 BERL KEITH KAPFS BROWN

12 Plaintiff,

No. CIV S-04-1688 MCE CMK PS

13 vs.

14 SHASTA COUNTY, et al.,

15 Defendants.  
16 \_\_\_\_\_/

ORDER

17 On May 12, 2005, plaintiff filed a motion for summary judgment and set it for  
18 hearing on June 14, 2005. However, on May 10, 2005, the court dismissed plaintiff's complaint  
19 with leave to file an amended complaint within thirty days. Accordingly, there is no valid  
20 complaint to form a basis for a motion for summary judgment.

21 As this is entirely a procedural issue, the court vacates the June 14, 2005, hearing date  
22 and dismisses plaintiff's motion for summary judgment by order without prejudice.

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1 IT IS ORDERED that:

2 1. The June 14, 2005 hearing date is vacated and;

3 2. Plaintiff's motion for summary judgment is dismissed without prejudice by  
4 order.

5 DATED: May 16, 2005.

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8 **CRAIG M. KELLISON**  
9 UNITED STATES MAGISTRATE JUDGE  
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